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FIFTH DISTRICT COURT

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FIFTH JUDICIAL DISTRICT COURT
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.

WARREN STEED JEFFS,
Defendant.

MEMORANDUM IN OPPOSITION TO
MOTION IN LIMINE TO EXCLUDE
STATEMENTS REGARDING
PROSECUTION

Criminal No. 061500526

Judge James L. Shumate

The State opposes the Defendant's motion in limine to exclude certain statements made by the defendant because they are admissions of a party opponent that constitute evidence of his mental state with respect to the performance of underage marriages and the performance of an underage marriage is a key piece of evidence in the State's case.

Background

Mr. Jeffs made the following statements to a group of men that were recorded and transcribed:

The Lord revealed to me that in 2003, a secret combination was in place between the apostates everywhere, many of them, and the government officials, and also traitors and half-hearted men, false brethren among the Priesthood people. And that conspiracy

involved the passing of these laws, to call us criminal by performing marriages, so-called "under-age" marriages...

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The Lord showed me they were going to take away our lands and houses. He showed me that it was the intention of our enemies to pull me and many people into court and turn traitor by bearing witness in court of my father's doings and my doings, concerning the Celestial Law of Marriage, the judging of the people, bringing God into question and what He does among His Priesthood people and on His Priesthood lands in His Celestial Law. And I say to you brethren, no person, no court, no government, no people on the face of the whole earth has the right or authority to bring God into question what He has His Prophets do in the Celestial Law among his Priesthood people on His consecrated lands.

Argument

Warren Jeffs' statements constitute admissions of a party opponent under Rule 801(d)(2) because they are his own words. They are evidence of his own state of mind regarding the his knowledge and intent with respect to the performance of marriages. In this case, the State alleges that the defendant insisted on the performance of an underage marriage involving a fourteen year old girl despite her protests. When Mr. Jeffs says that no person "has the right or authority to bring God into question what He has His Prophets do in the Celestial Law," that constitutes evidence regarding how Mr. Jeffs would respond to Elissa Wall's requests to cancel, postpone, or release her from the marriage. Mr. Jeffs statements are also direct evidence of the position of power and authority he wields in his community with respect to the performance of underage marriages.

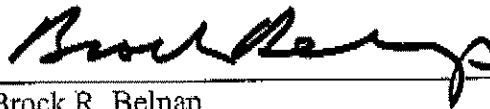
The State must prove that Warren Jeffs intended, knew, or was reckless in soliciting, requesting, commanding, encouraging or intentionally aiding another to have nonconsensual sexual intercourse with Elissa Wall. Mr. Jeffs' performance of the underage marriage of Elissa

Wall is part of the State's case that Mr. Jeffs solicited, requested, commanded or encouraged Allen Steed and evidence that Mr. Jeffs enticed Elissa Wall. His own statements about his intent regarding under age marriages make a fact of consequence – Warren Jeff's knowledge and intent – more probable than without the evidence. Rule 401.

CONCLUSION

Warren Jeffs Statements are admissible under Rule 802(d) as admissions of a party opponent. Additionally, they are directly relevant to facts of consequence in the State's case.

Respectfully submitted this 12th day of September, 2007.



Brock R. Belnap
Washington County Attorney

CERTIFICATE OF DELIVERY

I hereby certify that, on the 12th day of September, 2007, I caused a true and correct copy of the foregoing MEMORANDUM IN OPPOSITION TO MOTION IN LIMINE TO EXCLUDE STATEMENTS REGARDING PROSECUTION to be served as follows:

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